

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

CHARLES E. McMANAMA,

CV 04-1764-AS

Plaintiff,

ORDER

v.

STATE OF OREGON,

Defendant.

CHARLES E. McMANAMA
525 N.W. Sixth Avenue
Apartment 101
Estacada, OR 97023

Plaintiff, *Pro Se*

HARDY MYERS
Attorney General
SETH T. KARPINSKI
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Attorneys for Defendant

BROWN, Judge.

Magistrate Judge Donald C. Ashmanskas issued Findings and Recommendation (#14) on May 13, 2005, in which he recommended the Court grant Defendant's Motion to Dismiss (#6) and dismiss Plaintiff's Complaint with prejudice. Plaintiff filed timely objections to the Findings and Recommendation.¹ The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988); *McDonnell Douglas Corp. v. Commodore Business Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981), *cert. denied*, 455 U.S. 920 (1982). This Court has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

¹ The Court construes Plaintiff's Motion for Reconsideration and Placement (#16) as Plaintiff's objection to the Magistrate Judge's Findings and Recommendation. The Court also construes Plaintiff's Motion that the Magistrate Judge's Findings and Recommendations Be Presented in a Neutral Context (#17) as a supplement to Plaintiff's objections.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Ashmanskas's Findings and Recommendation (#14) and, accordingly, **GRANTS** Defendant's Motion to Dismiss (#6) and **DISMISSES** Plaintiff's Complaint **with prejudice.**

IT IS SO ORDERED.

DATED this 4th day of August, 2005.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge

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